



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

Promoting the wise use of land

MEETING DATE August 7, 2015 LOCAL EFFECTIVE DATE August 21, 2015 APPROX FINAL EFFECTIVE DATE September 11, 2015	CONTACT/PHONE Brandi Cummings (805) 781-4374	APPLICANT Lonnie Lindell	FILE NO. DRC2014-00073
SUBJECT Hearing to consider a request by LONNIE LINDELL for a Minor Use Permit/Coastal Development Permit (DRC20134-00073) to allow the construction of a 258 square-foot deck to an existing single family residence. This project includes the removal of an unpermitted ground-level deck and spiral staircase located within the bluff setback and restoring disturbed areas with landscaping (including removable pavers). The project will result in no permanent disturbance on a 5,000 square-foot existing residential parcel. The proposed project is within the Residential Single Family land use category, and is located at 236 Pacific Avenue, within the Small Scale Design Neighborhood, in the community of Cayucos. The site is located in the Estero planning area.			
RECOMMENDED ACTION Approve Minor Use Permit/ Coastal Development Permit DRC2014-0073 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION A Class 1 Categorical Exemption was issued on July 7, 2015 (ED15-005)			
LAND USE CATEGORY Residential Single Family	COMBINING DESIGNATION Small Scale Neighborhood, Local Coastal Plan Area, Geologically Sensitive Area	ASSESSOR PARCEL NUMBER 064-121-031	SUPERVISOR DISTRICT 2
PLANNING AREA STANDARDS: Small Scale Design Neighborhoods, Setbacks, Coastal Access and Recreation, Shoreline Development, Resource Capacity and Service Availability <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: Geologically Sensitive Area, Local Coastal Program <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242</small>			

EXISTING USES: Single family residence	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Single Family/residences <i>East:</i> Residential Single Family/residences <i>South:</i> Residential Single Family/residences <i>West:</i> Recreation/ Pacific Ocean	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Cayucos Community Advisory Council, Public Works, Building Division, Cayucos Fire, Cayucos Sanitary District, Paso Robles Beach Water Association, and the California Coastal Commission.	
TOPOGRAPHY: Nearly level	VEGETATION: Ornamental landscaping
PROPOSED SERVICES: Water supply: Paso Robles Beach Water Association Sewage Disposal: Cayucos Sanitary District Fire Protection: Cayucos Fire Protection District	ACCEPTANCE DATE: June 4, 2015

DISCUSSION

The applicant is proposing to convert an existing 258 square-foot first-floor roof into a roof deck. The project also includes demolishing an unpermitted ground-level deck and spiral staircase, located within the bluff setback. The disturbed area will be restored with landscaping (including removable pavers). The proposed project will result in no permanent disturbance on a 5,000 square-foot existing residential parcel.

PLANNING AREA STANDARDS

Estero Areawide Standards

E. Coastal Access and Recreation.

Opportunities for public access to and along the coast shall be maximized as follows:

1. New development shall be required to provide public access and improvements to and along the coast, and shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization.

Staff Comments: The project is consistent with this standard; vertical access exists north and south of the site within an approximately 300 feet distance. Lateral access will be required per Section 23.04.420 as a condition of approval.

G. Cayucos Planning Impact Area.

Within the planning impact area shown in Figure 7-5 of the Estero Area Plan, applications for land divisions, general plan amendments, minor use permits, and development plans shall be referred to the Cayucos Citizen Advisory Council or its successor for review and comment.

Staff comments: This project was referred to the Cayucos Citizen Advisory Council and the Council supported the project on February 4, 2015.

H. Light and Glare.

At the time of application for any land division, land use permit or coastal development permit, the applicant shall provide details on any proposed exterior lighting, if applicable. Except as necessary to support agricultural operations, all lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark-colored.

Staff Comments: The project will be conditioned to meet this standard.

I. Shoreline Development.

New development or expansion of existing uses proposed to be located on or adjacent to a beach or coastal bluff is subject to the following standards:

3. Application Content

- a. An analysis of beach erosion, wave run-up, inundation and flood hazards prepared by a licensed civil engineer with expertise in coastal engineering and a slope stability analysis, prepared by a licensed Certified Engineering Geologist and/or Geotechnical Engineer or Registered Civil Engineer with expertise in soils, in accordance with the procedures detailed by Appendix G of the Estero Area Plan. The report shall include an alternatives analysis to avoid or minimize impacts to public access.

Staff comments: The applicant is proposing to construct a new deck on top of an existing roof of a single story portion of the residence. The proposed addition is on the eastern (Pacific Street side) of the property. The applicant will also be removing an unpermitted ground-level deck and a spiral staircase located within the bluff setback. The disturbed areas will be restored with landscaping including removable pavers. As proposed, the proposed project does not increase the existing footprint or the gross structural area of the residence and will result in no permanent disturbance to the coastal bluff.

- b. On lots with a legally established shoreline protective device, the analysis shall describe the condition of the existing seawall; identify any impacts it may be having on public access and recreation, scenic views, sand supplies, and other coastal resources; and evaluate opportunities to modify or replace the existing armoring device in a manner that would eliminate or reduce these impacts. The analysis shall also evaluate whether the development, as proposed or modified, could be safely established on the property for a one hundred year period without a shoreline protective device.

Staff comment: The site does not have a shoreline protective device along the bluff.

- c. Measurements for the form, mass, scale, and roofing and yard features (such as fencing). To the maximum extent feasible, new development shall be compatible with the character of the surrounding neighborhood.

Staff comments: The project complies with this standard. The proposed deck is consistent with the Small Scale Neighborhood standards and is compatible with the existing homes in the neighborhood.

- d. Surveyed location of all property lines and the mean high tide line by a licensed surveyor along with written evidence of full consent of any underlying land owner, including, but not limited to the County, State Parks, and State Lands. If application materials indicate that development may impact or encroach on tidelands or public trust lands, the County shall consult with Coastal Commission staff regarding the potential need for a Coastal Development Permit from the Coastal Commission.

Staff comment: The project compiles with this standard, as the project is designed within the confines of the parcel owned by the applicant. The proposed project will not impact the County, State Parks, or State Lands.

- e. A preliminary drainage, erosion, and sedimentation plan which demonstrates that no stockpiling of dirt or construction materials will occur on the beach; erosion, runoff, and sedimentation measures to be implemented at the end of each day's work; all construction debris will be removed from the beach daily and at the completion of development; and no machinery will be allowed in the intertidal zone. If there is no feasible way to keep machinery out of the intertidal zone, authorization from the Coastal Commission is required.

Staff comment: The project is conditioned to meet this requirement.

4. Bluff Setbacks.

The bluff setback is to be determined by the engineering geology analysis required in I.3.a. above adequate to withstand bluff erosion and wave action for a period of 100 years. In no case shall bluff setbacks be less than 25 feet. Alteration or additions to existing development that is non-conforming with respect to bluff setbacks that equals or exceeds 50 percent of the size of the existing structure, on a cumulative basis beginning July 10, 2008, shall not be authorized unless the entire structure is brought into conformance with this setback requirement and all other policies and standards of the LCP. On parcels with legally established shoreline protective devices, the setback distance may account for the additional stability provided by the permitted seawall, based on its existing design, condition, and routine repair and maintenance that maintain the seawall's approved design life. Expansion and/or other alteration to the seawall shall not be factored into setback calculations.

Staff comments: The proposed roof deck is located outside the bluff setback, on the eastern portion of the property facing Pacific Street. The unpermitted deck and staircase located within the bluff setback will be removed and the disturbed area will be restored with landscaping and removable pavers.

5. Seawall Prohibition.

Shoreline and bluff protection structures shall not be permitted to protect new development. All permits for development on bluff top or shoreline lots that do not have a legally established shoreline protection structure shall be conditioned to require that prior to issuance of any grading or construction permits, the property owner record a deed restriction against the property that ensures that no shoreline protection structure

shall be proposed or constructed to protect the development, and which expressly waives any future right to construct such devices that may exist pursuant to Public Resources Code Section 30235 and the San Luis Obispo County certified LCP.

Staff comments: There is no shoreline protection structure at the project site. This project will be conditioned to meet this standard.

6. Liability.

As a condition of approval of development on a beach or shoreline which is subject to wave action, erosion, flooding, landslides, or other hazards associated with development on a beach or bluff, the property owner shall be required to execute and record a deed restriction which acknowledges and assumes these risks and waives any future claims of damage or liability against the permitting agency and agrees to indemnify the permitting agency against any liability, claims, damages or expenses arising from any injury or damage due to such hazards.

Staff comment: The project is conditioned to meet this requirement.

Cayucos Urban Area Standards

A. Resource Capacity and Service Availability.

Application for new land divisions and land use permits for new development shall be accompanied by letters from the applicable water purveyor and the Cayucos Sanitary District stating their intent to serve the proposed project.

Staff comment: This project is the conversion of an existing single story roof to a deck and does not include any water fixtures.

F. Setbacks – Communitywide.

Unless specified in other Cayucos Urban Area standards, the special setbacks in Table 7-1 of the Estero Area Plan apply to the respective neighborhoods shown in Figure 7-17 of the Estero Area Plan.

Front Setback: For lots along the west side of Pacific Ave., the front setback is 0 feet.

Rear Setback: For bluff top parcels, the minimum bluff setback shall be 25 feet.

Staff comments: The existing residence has a legal non-conforming rear setback of 19 feet. The proposed deck is located to the front of the property and outside the 25 foot bluff setback. No new development is proposed at the bluff side except the removal of the non-permitted ground-level deck and spiral staircase and remediation landscape work.

D. Small Scale Neighborhood Design Standards.

- a. Front Setback: For two story construction, the ground level floor shall have setbacks as provided in Cayucos Communitywide Standard. The second floor of proposed

two-story construction shall have an additional front setback of at least 3 feet from the front of the lower wall, except open rail, uncovered decks are excluded from this additional setback and may extend to the lower front wall.

Staff comments: The proposed new deck is consistent with this standard. The ground level floor is setback 42 feet from the front property line. The second floor is an uncovered open-rail deck, and is set flush with the lower wall.

- b. Side Setbacks: For two-story construction (including decks), the minimum side setback for the lower floor is 4 feet. On corner lots the street-side setback is 5 feet. For the second floor side setbacks, a minimum of 2 ½ feet greater than the lower floor setback is required. Thirty percent of the upper story sidewall may align with the lower floor wall provided it is within the rear two-thirds of the structure.

Staff comments: The proposed project is the structural conversion of an existing single story roof into a deck with a 42" high transparent glass railing. There are no new second story walls proposed in the project that needs to be setback 2½ feet from the lower sidewalls. The project is consistent with this standard.

- c. Height Limitations: Heights shall be measured from the center line of the fronting street at a point midway between the two side property lines projected to the street center line, to the highest point of the roof. For ocean front lots, maximum height shall be 15 feet.

Staff comments: This project complies with this standard as the proposed height of the deck is 13 feet to the top of the railing.

- d. Gross Structural Area: Development or additions on lots 5,000 square-feet or greater, exceeding one story of 15 feet in height, shall not exceed 3,500 square feet or 50% of the usable lot. In addition, the second story square-footage shall be no greater than 60 percent of the first floor square footage.

Staff comments: The existing residence is 1,988 square-feet. The proposed deck is proposed at 258 square feet and will not change the gross structural area. The project is consistent with this standard.

- e. Deck Rail Height: Rail heights for decks above the ground floor shall not exceed 36 inches. A maximum additional height of 36 inches of untinted, transparent material with minimal support members is allowable.

Staff comments: The proposed deck complies with this standard.

- f. Parking: At least one off-street parking space shall be enclosed with an interior space a minimum size of 10 feet by 20 feet, and a maximum of one required off-street parking space may be located in the driveway within the required front yard setback area. However, the minimum front yard setback from the property line to the garage is 20 feet if this design is used.

Staff comments: The existing residence complies with this standard and the proposed project will not alter the existing parking.

- g. Driveway Widths: Driveway widths may not exceed 18 feet.

Staff comment: The existing driveway complies with this standard.

- h. Streetscape Plan: A scale drawing showing the front exterior elevation (view) of the proposed project, and the front elevations of the adjacent buildings, is required as part of the application submittal.

Staff comment: The applicant submitted a streetscape plan, which is included in the file.

- i. Topographic Map: A topographic map including the elevation of the fronting street, site contours, and existing and proposed drainage patterns is required as part of the application submittal.

Staff comment: The applicant submitted a topographic map, which is included in the file.

COASTAL ZONE LAND USE ORDINANCE STANDARDS

Section 23.01.043c.(3)(i): Appeals to the Coastal Commission (Coastal Appealable Zone)

The project is appealable to the Coastal Commission because the subject parcel is located between the sea and the first public road paralleling the sea.

Section 23.04.420: Coastal Access Required

Development within the Coastal Zone between the first public road and the tidelands shall protect and/or provide coastal access as required by this section. The intent of these standards is to assure public rights of access to the coast are protected as guaranteed by the California Constitution. Coastal access standards are also established by this section to satisfy the intent of the California Coastal Act.

Staff comments: The project is consistent with this standard; vertical access exists north and south of the site within a 300 feet distance. The applicant shall execute and record an offer of dedication of lateral access, as conditioned.

Section 23.07.080: Geologic Study Area (GSA)

A Geologic Study Area combining designation is applied by the Official Maps (Part III) of the Land Use Element, to areas where geologic and soil conditions could present new developments and their users with potential hazards to life and property. These standards are applied where the following conditions exist:

Erosion and stability hazard - coastal bluffs. Areas along the coast with coastal bluffs and cliffs greater than 10 feet in vertical relief that are identified in the Coastal Erosion Atlas, prepared by the California State Department of Navigation and Ocean Development (1977), in accordance with Hazards Policy No. 7 of the Local Coastal Plan.

Staff comments: The proposed project is the conversion of an existing roof into a roof-deck with no new ground-level construction. Therefore, no Bluff Erosion Study was required.

Section 23.07.120: Local Coastal Program

The project site is located within the California Coastal Zone as established by the California Coastal Act of 1976, and is subject to the provisions of the Local Coastal Program.

COASTAL PLAN POLICIES

Shoreline Access: <input checked="" type="checkbox"/>	Policy No(s): 2
Recreation and Visitor Serving:	N/A
Energy and Industrial Development:	N/A
Commercial Fishing, Recreational Boating & Port Facilities:	N/A
Environmentally Sensitive Habitats:	N/A
Agriculture:	N/A
Public Works: <input checked="" type="checkbox"/>	Policy No(s): 1
Coastal Watersheds: <input checked="" type="checkbox"/>	Policy No(s): 10
Visual and Scenic Resources: <input checked="" type="checkbox"/>	Policy No(s): 1, 6, & 7
Hazards: <input checked="" type="checkbox"/>	Policy No(s): 1, 2, & 6
Archeology:	N/A
Air Quality:	N/A

Shoreline Access

Policy 2: New Development. Maximum public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development. Exceptions may occur where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources; (2) adequate access exists nearby, or; (3) agriculture would be adversely affected. Such access can be lateral and/or vertical.

Staff comment: The proposed project complies with this policy because there is adequate access from Pacific Avenue to the shoreline. There are two vertical accesses approximately 300 feet to the north and south of the project site. The applicant shall execute and record an offer of dedication for lateral access, as conditioned in Exhibit B.

Public Works

Policy 1: Availability of Service Capacity. New development shall demonstrate that adequate public or private service capacities are available to serve the proposed development.

Staff comment: The proposed project is a deck and will not increase demand on service capacities.

Coastal Watersheds

Policy 10: Drainage Provisions. Site design shall ensure that drainage does not increase erosion. This may be achieved either through on-site drainage retention, or conveyance to storm drains or suitable watercourses.

Staff comment: The proposed project is conditioned to comply with this policy by meeting all drainage plan and erosion control measures required the San Luis Obispo County Public Works department.

Visual and Scenic Resources

Policy 1: Protection of Visual and Scenic Resources. Unique and attractive features of the landscape, including but not limited to unusual landforms, scenic vistas and sensitive habitats are to be preserved protected, and in visually degraded areas restored where feasible.

Staff comment: The proposed project complies with this policy because it complies with the Small Scale Design Neighborhood standards, is in character and scale with the surrounding neighborhood, and will not block existing scenic vistas.

Policy 6: Special Communities and Small-Scale Neighborhoods. Within the urbanized areas defined as small-scale neighborhoods or special communities, new development shall be designed and sited to complement and be visually compatible with existing characteristics of the community which may include concerns for the scale of new structures, compatibility with unique or distinguished architectural historical style, or natural features that add to the overall attractiveness of the community.

Staff comment: The proposed project is consistent with this policy because it complies with all the standards for Cayucos Small Scale Design Neighborhoods.

Policy 7: Preservation of Trees and Native Vegetation. The location and design of new development shall minimize the need for tree removal. When trees must be removed to accommodate new development or because they are determined to be a safety hazard, the site is to be replanted with similar species or other species which are reflective of the community character.

Staff comment: The proposed project complies with this policy as there shall be no removal of trees or native vegetation.

Hazards

Policy 1: New Development. All new development proposed within areas subject to natural hazards from geologic or flood conditions (including beach erosion) shall be located and designed to minimize risks to human life and property. Along the shoreline new development shall be designed so that shoreline protective devices (such as seawalls, cliff retaining walls, revetments, breakwaters, groins) that would substantially alter landforms or natural shoreline processes, will not be needed for the life of the structure.

Staff comment: The proposed project is consistent with this policy because it is located and designed to minimize risks to human life and property.

Policy 2: Erosion and Geologic Stability. New development shall ensure structural stability while not creating or contributing to erosion or geological instability.

Staff comment: The proposed project is consistent with this policy because the structure is required to be designed to ensure structural stability while not creating or contributing to erosion of geological instability.

Policy 6: Bluff Setbacks. New development or expansion of existing uses on bluffs shall be designed and set back adequately to assure stability and structural integrity and to withstand bluff erosion and wave action for a period of 75 years without construction of shoreline protection structures which would require substantial alterations to the natural landforms along bluffs and cliffs. A site stability evaluation report shall be prepared and submitted by a certified engineering geologist based upon an on-site evaluation that indicates that the bluff setback is adequate to allow for bluff erosion over the 75 year period. Specific standards for the content of geologic reports are contained in the Coastal Zone Land Use Ordinance.

Staff comments: The proposed roof deck is located outside the bluff setback, on the street side of the property. The applicant has agreed to remove the unpermitted deck and staircase located within the bluff setback and restore the disturbed area with landscaping.

COMMUNITY ADVISORY GROUP COMMENTS

The project was referred to the Cayucos Citizens Advisory Council and was supported on February 4, 2015.

AGENCY REVIEW

Public Works – *Per referral comments dated January 25, 2015*

- 1. The project appears to not meet the applicability criteria for a Stormwater Management (it creates or replaces less than 2500 sf of impervious area). Therefore no Stormwater Control Plan is required.*

Cayucos Fire – *No Comment*

Paso Robles Beach Water Association – *No response.*

Cayucos Sanitary District – *No response.*

Building Department – *Per referral comments dated January 30, 2015*

- 1. The project is subject to a construction permit as well as the currently adopted 2013 California Codes.*
- 2. It may be necessary for you to employ the services of a California registered architect or engineer for the design of portions of the project that do not meet "conventional construction" as defined by our current building code.*
- 3. The project is subject to the California State Title 24 energy laws.*

4. *If the total square footage of interior remodel is greater than 50% of the existing conditioned square footage, fire sprinklers will be required to be installed throughout the entire dwelling.*

California Coastal Commission – *Per referral comments dated January 30, 2015*

Please see the Planning Area Standards in the Estero Area Plan (page 7-11) for the bluff setback requirements. Is the existing house non-compliant with the minimum setback at this location? The second sentence states that, "Alteration or additions to existing development that is non-conforming with respect to bluff setbacks that equals or exceeds 50 percent of the size of the existing structure, on a cumulative basis beginning July 10, 2008 shall not be authorized unless the entire structure is brought into conformance with this setback requirement and all other policies and standards of the LCP." Please let us know how this proposal is or is not consistent with this standard. Has there been any alterations or additions since July 10, 2008? What is the size of the proposed alteration/remodel? Greater or less than 50%? How does the County calculate the GSA in this case. If there is question, please coordinate on this with us to ensure consistency with this policy.

Staff comments: The applicant is proposing to convert an existing single-story roof into a roof deck facing the Pacific Street. Though the existing house has a legal, non-conforming bluff setback, the proposed work is outside of the bluff setback area. The proposed project does not alter the existing house footprint and the residence does not have any cumulative alterations since 2008. There is an unpermitted ground-level deck and spiral staircase within the bluff setback, which will be removed and the disturbed areas shall be remediated with landscaping.

LEGAL LOT STATUS

The one existing parcel is Lot 20 in Block 1 of Paso Robles Beach No. 1 according to map recorded August 21, 1922 in Book 3, Page 15 of Maps.

Staff report prepared by Brandi Cummings and reviewed by Schani Siong and Karen Nall.